

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

WEI LU,)	
Plaintiff,)	
)	
vs.)	No. 1:13-CV-00531 WPL/LAM
)	
KEN CHRISTESEN,)	
Individually and in his official capacity)	
As San Juan County Sheriff)	
& San Juan County Sheriff's Office,)	
Alan Jamison,)	
Individually and in his official capacity,)	
Jacob Sanchez,)	
Individually and in his official capacity)	
David McCall,)	
Individually and in his official capacity,)	
SAN JUAN COUNTY,)	
Defendants,)	

RESPONSE TO DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT

Comes Now the Plaintiff, Wei Lu, by and through counsel, Christian A. Hatfield, Tucker, Burns, Yoder & Hatfield and submits this response to Defendants' Second Motion for Summary Judgment. Plaintiff incorporates the legal arguments for summary judgment contained in her original Response to promote judicial economy and avoid repetition.

Plaintiff has no reason to contest the veracity or reliability of anything contained in the Affidavit of the Honorable Sandra Price and stipulates to the facts contained therein as true.

Plaintiff maintains that the issue regarding plaintiff's business and massage licenses referenced in Mem. Op. pp. 12-14 continues to be contested, despite some confusion about which was being referenced at which time. It is uncontested that the massage license was valid through the end of October 2012. *Id.* (citing Doc. 32 at 9; Doc 27 at 20). The business license

was valid through the end of December 2012. The language of the affidavits and the may have contributed to the confusion (to which the undersigned hopes he did not contribute inadvertently). As defendants stated in their Declaration (Doc. 27 ¶ 14, “Deputies McCall and Sanchez noticed that no massage parlor license was posted, as required by law . . . Additionally, the SET team knew that plaintiff’s business license was due to expire within a month.”).

The Court correctly points out that that it was the massage license and not the business license that expired at the end of October 2012 (and was renewed). Both were valid as of the dates of the affidavits, as defendants knew or should have known.

Respectfully Submitted,

TUCKER BURNS, YODER & HATFIELD



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